

### **REMARKS**

In order to expedite prosecution of this application, applicants have amended the claims to recite more clearly and distinctly that which they consider their invention. Applicants also amended the brief descriptions of Figures 18 and 19 to make clear the meaning of the legends in the figures. Applicants respectfully submit that above amendments are fully supported by the specification as originally filed, and request their entry and favorable reconsideration. Specifically, the amendments to the descriptions of Figures 18 and 19 are fully supported by Example 4, pages 45-47.

Applicants gratefully acknowledge the examiner's partial withdrawal of the restriction requirement.

#### **Formal Matters**

The title of the application has been amended to be more descriptive.

It is respectfully submitted that the objection to Figure 19 has been overcome by the amendment to its brief description, making clear the meaning of the two lines shown. Again, applicants respectfully submit that Example 4 of the Specification as originally filed, especially lines 8-19 on page 47, fully supports the amendment.

The Office Action also objected to Figures 13, 14, 20, 26A-F, 27A-F, 28A-F, 30A-D, 31 A-D, 32A-D, and 33A-D for their "insufficient quality." Applicants respectfully request that these objections be withdrawn, because these figures, while not of the highest possible quality, are sufficient, when read in combination with their respective description in the Specification, to demonstrate the experiment results and support the conclusions drawn therefrom. For example, the specification, at page 40, lines 30-31 states that Figure 13 shows that PDGF-C is not regulated by hypoxia, and the intensities of the band in Figure 13 clearly show so. There is no need, and it was not intended, to show bands in the various lanes. Figure 14 is explained in the specification on

page 41 at line 5 *et seq.*, and the darker lanes marked JEG, G401 etc. clearly demonstrate the conclusion that PDGF-C is expressed in these cancer cell lines. No more details are necessary. For Figure 20, again it is the intensity of the lanes that are informative, and no other details are needed (See Example 5 starting on page 47). With regard to Figures 26A-F, 27A-F, 28A-F, 30A-D, 31A-D, and 32A-D, the details contained in the photographs are sufficient, when read in combination with their respective description in the specification, to demonstrate the conclusions of the experiments. For example, Figures 26A-F are explained at page 54, line 4 *et seq.*, and figures 27 and 28 are explained in Example 12. In all cases, the intensities of the staining are clear from the figures, and the relevant spots are marked (e.g., by arrows) to show the differences. With regard to Figure 33, the paragraph bridging pages 62 and 63 states that the microvessel densities induced by the four growth factors were virtually identical, which the figures sufficiently show. In summary, the figures are of sufficient quality and contain sufficient details to demonstrate the data and conclusions. Accordingly, the objections thereto should be withdrawn.

#### **Claim Rejections under 35 U.S.C. § 112, ¶ 2**

Applicants respectfully submit that the rejections to the claims for alleged indefiniteness under 35 U.S.C. § 112, ¶ 2 over recitations of “analog,” “stringent condition,” and “biological activity of PDGF-C” have been overcome by the claim amendments. Furthermore, the misspellings in Claims 47 and 48, the perceived ambiguity in Claims 46 and 48 have also been corrected by the claim amendments. Withdrawal of the claim rejections are respectfully requested.

#### **Claim Rejections under 35 U.S.C. § 112, ¶ 1**

The Office Action has also rejected the claims for alleged lack of enablement and adequate written description, in so far as the claims recited sequences other than the specifically exemplified sequences. In order to advance prosecution and expedite allowance of the present application, applicants have

amended the claims to remove the allegedly offending recitations, thereby overcoming these rejections.

With regard to the rejections based on the alleged lack of enablement or written description of the claimed method in different animal species, applicants respectfully traverse. The Office Action states that slight sequence changes may cause a protein to have different functions in different animal species. While this may be true, it is by no means evidence that one protein *known to have a particular function* (e.g. promoting angiogenesis) does not have similar function in a different yet closely related animal species and cannot be used for similar functions in a different animal. In fact, quite to the contrary, animal treatment data are usually transferable among different species. Accordingly, applicants respectfully submit that all claim rejections under 35 U.S.C. § 112, ¶ 1 should now be withdrawn.

#### **Claim Rejections under 35 U.S.C. § 102**

The Office Action also rejected the claims for alleged anticipation over 6,391,311 (Ferrara et al.), asserting that the Ferrara patent discloses sequences that have similarity within the scope of the previously pending claims. Without admitting that Ferrara is proper prior art, again in order to expedite prosecution, applicants have amended the claims, removing the similarity or homology related languages. Accordingly, it is respectfully submitted that these rejections have been overcome by the claim amendments.

In summary, as amended, all claims are believed to be allowable and this application is now in condition for allowance. Applicants earnestly solicit an early indication from the examiner to that effect. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

Application No. 09/852,209  
Reply dated July 16, 2004  
Response to Office Action dated January 16, 2004

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (CAM #029065.44740CP).

Respectfully submitted,

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Kening Li, Ph.D.  
Registration No. 44,872

CROWELL & MORING, LLP  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844  
KL:tlm (029065.44740CP; 328340)